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10/666,261	09/19/2003	Douglas A. Narlow	C4-1142	7758

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EXAMINER
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SAUNDERS, PAUL

ART UNIT	PAPER NUMBER
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2609

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/666,261

Applicant(s)

NARLOW, DOUGLAS A.

Examiner

Paul Saunders

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/1/06.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. **Claim 18** objected to because of the following informalities:
  - As to **claim 18**, it is a repeat of claim 13. It is suggested to be consistent with the existing format of the claims that claim 18 depend on claim 14. This will be the assumption in this action.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 3, 8, 9, 13, 18** rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2003/0053664 A1 to Pavlidis et al. ("Pavlidis").

As to **claim 1**, an object recognition system 10 (fig. 1, 4) comprising: a light source controller 30 configured to control an illumination level of a light source 68 in response to ambient light (page 5 [0074-0075] – a light source is constantly adjusted to external conditions or ambient light by means of a

photometer or light sensor so that an optimal illumination level is maintained); a camera configured to capture an image of an object (fig. 4, page 5 [0073] – at least one camera will digitize or capture the object) illuminated by said light source (fig. 4 light source 68 is shown illuminating object 13); and a computer 16 configured to compare data representative of said image to stored image data (fig. 1, page 4 [0059, 0068]).

As to **claim 3**, the object recognition system of claim 1, wherein said light source controller comprises a light sensor, and wherein said light source controller is configured to control an illumination level of said light source in response to a level of said ambient light imparted on said light sensor (page 5 [0074-0075] – a light source is constantly adjusted to external conditions or ambient light by means of a photometer or light sensor so that an optimal illumination level is maintained).

As to **claim 8**, the object recognition system of claim 1, wherein said object comprises a human face 13 (fig. 1-4).

As to **claim 9**, a method of illuminating an object in a object recognition system 10, said method comprising: controlling an illumination level of a light source 68 directed toward said object 13 in response to an ambient light level (page 5 [0074-0075] – a light source is constantly adjusted to external conditions or ambient light by means of a photometer or light sensor so that an optimal illumination level is maintained).

As to **claim 13**, the method of claim 9, wherein said object comprises a human face 13 (fig. 1-4).

As to **claim 18**, the method of claim 14, wherein said object comprises a human face 13 (fig. 1-4).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 2** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0053664 A1 to Pavlidis et al. ("Pavlidis") in view of U.S. Patent Application No. 2003/0063006 A1 to Gutta et al. ("Gutta").

As to **claim 2**, Pavlidis discloses the object recognition system of claim 1, wherein said light source controller is configured to establish a first illumination level for said light source when said ambient light is at a first ambient light level (page 5 [0074] – an external condition such as direct sunlight is the first ambient level in which the light source is adjusted to a first illumination level so that the system may maintain the scene at constant illumination), and a second illumination level for said light source when said ambient light is at a second ambient light level (page 5 [0074] – an external condition such as nighttime is the second ambient level in which the light source is adjusted to a second

illumination level so that the system may maintain the scene at constant illumination), and wherein said first ambient light level is higher than said second ambient light level (the first ambient level being sunlight is higher then the second ambient light level being nighttime).

Pavlidis does not expressly disclose wherein said first illumination level is higher than said second illumination level.

Gutta discloses a light source wherein it is "much brighter then other ambient sources" (page 3 [0030]). Furthermore, the illumination level is much higher then the ambient level. Thus if the first ambient light level is higher then the second ambient light level then the first illumination level is higher than said second illumination level.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous light source controller to instead of maintaining a constant illumination level to rather cause the light source to shine much brighter then the detected ambient light sources as taught above by Gutta. The motivation would have been make the design simpler by not relying on a specific light source with specific properties (Gutta page 3 [0030]).

Therefore it would have been obvious to combine Pavlidis and Gutta to obtain the above modifications.

6. **Claims 4-7** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0053664 A1 to Pavlidis et al. ("Pavlidis") in view of U.S. Patent No. 2,913,636 to Morrow.

As to **claim 4**, it has not been expressly disclosed yet.

Morrow discloses the object recognition system of claim 3, wherein said light source controller (fig. 1) comprises a switch 31 and wherein said level of said ambient light imparted on said light sensor 10 controls a state of said switch 31 to control said illumination level of said light source (col. 1 lines 34-36, col. 2 lines 21-28).

Pavlidis and Morrow are analogous art because they are from the same field of endeavor namely light source controllers.

At the time of the invention it would have been obvious to one of ordinary skill in the art to construct the previous light source controller with electrical components in the same manner as taught above by Morrow. The motivation would have been to construct an automatic light source controller (Morrow col. 1 lines 16-19).

Therefore it would have been obvious to combine Pavlidis and Morrow to obtain the above modifications.

As to **claim 5**, Morrow further discloses the object recognition system of claim 4, wherein said controller (fig. 1) further comprises at least one relay 33, and wherein said state of said switch 31 controls a state of said at least one relay 33 to control said illumination level of said light source (col. 1 lines 34-36, col. 2 lines 21-28).

The same motivation is used as is used in the parent claim.

As to **claim 6**, Morrow further discloses the object recognition system of claim 4, wherein said controller (fig. 1) further comprises a dimmer (col. 2 lines 43-45), and wherein said state of said switch 31 controls a resistance of said dimmer to control said illumination level of said light source (col. 1 lines 34-36, col. 2 lines 21-28).

The same motivation is used as is used in the parent claim.

As to **claim 7**, Morrow further discloses the object recognition system of claim 4, wherein said switch 31 comprises a transistor (fig. 1, col. 1 lines 14-15).

The same motivation is used as is used in the parent claim.

7. **Claims 10-11** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0053664 A1 to Pavlidis et al. ("Pavlidis") in view of U.S. Patent No. 2,913,636 to Morrow.

As to **claim 10**, it has not been expressly disclosed yet: the method of claim 9, wherein said illumination level is set at a first level when said ambient light level is greater than a predetermined light level.

Morrow disclose a light controller wherein the light source is set at a first level when the ambient light level is greater then a predetermined amount (col.1 lines 34-36, col. 2 lines 21-38).

Pavlidis and Morrow are analogous art because they are from the same field of endeavor namely light source controllers.



At the time of the invention it would have been obvious to one skilled in the art to modify the previous light controller of maintaining a constant scene illumination to adjust the light source based on comparing the ambient light level to a predetermined value to use as a result for light source adjustment as taught above by Morrow. The motivation would have been to implement an automatic and stable light source controller (Morrow col. 1 lines 18, 32).

Therefore it would have been obvious to combine Pavlidis and Morrow to obtain the above modifications.

As to **claim 11**, it has not been expressly disclosed yet: the method of claim 10, wherein said illumination level is set at a second level when said ambient light level is less than said predetermined light level.

Morrow further discloses wherein the light source is set at a second level when the ambient light is below a predetermined amount (col.1 lines 34-36, col. 2 lines 21-38).

The same motivation is used as is used in the parent claim.

8. **Claims 12** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0053664 A1 to Pavlidis et al. ("Pavlidis"), in view of U.S. Patent No. 2,913,636 to Morrow as applied to claim 11 above, and further in view of U.S. Patent Application No. 2003/0063006 A1 to Gutta et al. ("Gutta").

As to **claim 12**, it has not been expressly disclosed yet: the method of claim 11, wherein said first level is greater than said second level.

Gutta discloses a light source wherein it is controlled to be “much brighter than other ambient sources” (page 3 [0030]). Thus a light source wherein the first level is more than the second level.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous light source controller when the ambient light level is above a predetermined threshold to cause the light source to shine much brighter as taught above by Gutta. The motivation would have been make the design simpler by not relying on a specific light source with specific properties (page 3 [0030]).

Therefore it would have been obvious to combine Pavlidis, Morrow and Gutta to obtain the above modifications.

9. **Claim 14** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0053664 A1 to Pavlidis et al. (“Pavlidis”), in view of U.S. Patent Application No. 7,130,454 B1 to Berube et al. (“Berube”).

As to **claim 14**, Pavlidis discloses a method comprising: detecting an ambient light level (page 5 [0075] – via photometer); setting an illumination level for said object in response to said ambient light level (the photometer is used to constantly sense current ambient light and comparing to see if the desired scene illumination is met); illuminating said object at said illumination level (page 5 [0074-0075] – a signal notifies the computer to adjust the light source as needed); operating a camera to capture an image of at least a portion of said object (fig. 4, page 5 [0073] – at least one camera will digitize or capture the

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object); comparing data representative of said image to stored image data (fig. 1, page 4 [0059, 0068]).

Pavlidis does not expressly disclose a method of controlling access of an object to a secure area, said method comprising allowing access of said object to said secure area in response to said comparing of said image to said stored image data.

Berube discloses a method of controlling access of an object to a secure area (fig. 14, col. 25 lines 50-53, 61).

Pavlidis and Berube are analogous art because they are from the same field of endeavor namely face recognition.

It would have been obvious to one skilled in the art at the time of the invention to modify the previous face recognition method to further control access to secured areas on the basis of the face recognition result as taught above by Berube. The motivation would have been to protect valuable assets (Pavlidis page 1 [0005]).

Therefore it would have been obvious to combine Pavlidis and Berube to obtain the above modifications.

10. **Claims 15-16** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0053664 A1 to Pavlidis et al. ("Pavlidis"), in view of U.S. Patent Application No. 7,130,454 B1 to Berube et al. ("Berube") as applied to claim 14 above, and further in view of U.S. Patent No. 2,913,636 to Morrow.

As to **claim 15**, it has not been expressly disclosed yet: the method of claim 14, wherein said illumination level is set at a first level when said ambient light level is greater than a predetermined light level.

Morrow disclose a light controller wherein the light source is set at a first level when the ambient light level is greater then a predetermined amount (col.1 lines 34-36, col. 2 lines 21-38).

Pavlidis and Morrow are analogous art because they are from the same field of endeavor namely light source controllers.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous light controller of maintaining a constant scene illumination to adjust the light source based on comparing the ambient light level to a predetermined value to use as a result for light source adjustment as taught above by Morrow. The motivation would have been to implement an automatic and stable light source controller (Morrow col. 1 lines 18, 32).

Therefore it would have been obvious to combine Pavlidis, Berube and Morrow to obtain the above modifications.

As to **claim 16**, it has not been expressly disclosed yet: the method of claim 15, wherein said illumination level is set at a second level when said ambient light level is less than said predetermined light level.

Morrow further discloses wherein the light source is set at a second level when the ambient light is below a predetermined amount (col.1 lines 34-36, col. 2 lines 21-38).

The same motivation is used as is used in the parent claim.

11. **Claim 17** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0053664 A1 to Pavlidis et al. ("Pavlidis"), in view of U.S. Patent Application No. 7,130,454 B1 to Berube et al. ("Berube"), and in view of U.S. Patent No. 2,913,636 to Morrow as applied to claim 16 above, and further in view of U.S. Patent Application No. 2003/0063006 A1 to Gutta et al. ("Gutta").

As to **claim 17**, it has not been expressly disclosed yet: the method of claim 16, wherein said first level is greater than said second level.

Gutta discloses a light source wherein it is controlled to be "much brighter than other ambient sources" (page 3 [0030]). Thus a light source wherein the first level is more than the second level.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous light source controller when the ambient light level is above a predetermined threshold to cause the light source to shine much brighter as taught above by Gutta. The motivation would have been make the design simpler by not relying on a specific light source with specific properties (page 3 [0030]).

Therefore it would have been obvious to combine Pavlidis, Berube, Morrow and Gutta to obtain the above modifications.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Saunders whose telephone number is 571.270.3319. The examiner can normally be reached on Mon-Thur 8:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571.272.3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PS/

 8/9/07  
**DERRICK W. FERRIS**  
**SUPERVISORY PATENT EXAMINER**